



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

February 3, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

PRISON REFORM STATUS UPDATE (BOARD AGENDA OF AUGUST 25, 2009 – ITEM 13)

On August 25, 2009, your Board directed the Chief Executive Office (CEO) to provide monthly status updates regarding the County's efforts to inform the State of the potential operational and fiscal impacts on the County's criminal justice agencies as the State considers reducing its prison population. Your Board also requested the CEO to work with our partners to emphasize and advocate for a solution that promotes public safety, avoids shifting any responsibility to local government, and minimizes any negative impact on local governments.

The CEO, Sheriff, District Attorney, Public Defender, Alternate Public Defender, Probation, and the Department of Mental Health (DMH) have been engaged in a collaborative effort to communicate with the California Department of Corrections and Rehabilitation (CDCR) to advocate our positions and improve our understanding of the potential impacts of prison reform.

As the Governor proposes further reductions in the State's prison population, reform measures included in the passage of Senate Bill x3 18 (SBx3 18) during the 2009-10 Special Legislative Session on January 25, 2010, will have significant impact on the County and other local jurisdictions. This status report focuses on the Non-Revocable Parolee (NRP) population addressed in SBx3 18 and a summary of the Federal three judge panel actions.

"To Enrich Lives Through Effective and Caring Service"

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Senate Bill x3 18

On October 11, 2009, SBx3 18 was signed by the Governor and became effective January 25, 2010. The new law focuses on the areas of sentencing, inmate credit changes, parole re-entry programs, community corrections, and parole policy. Due to budgetary uncertainties, the State has been unable to carry out various portions of this law with the exception of parole policy changes. Therefore, at this time, we are unable to provide your Board with the specific impact of SBx3 18. This report will focus on parole policy only.

Since December 2009, the County, specifically the Sheriff's Department, has been in communication with CDCR in anticipation of the January 25, 2010, implementation date to reclassify parolee status as instructed in SBx3 18. The law requires CDCR to begin the process of screening offenders to qualify parolees for unsupervised parole known as NRP. Once a parolee qualifies for NRP, they will not be assigned to a parole agent and will not be required to report.

The CDCR review process will require the assessment of over 30,000 parolees in Los Angeles County to determine each individual's qualification for NRP. CDCR has estimated that this examination process will take between 4 to 6 months and that up to 7,000 may qualify for NRP in Los Angeles County.

In order for a parolee to qualify for NRP, the offender must meet the following criteria:

- The person is not required to register as a sex offender.
- The person was not committed to prison for a serious felony and does not have a prior conviction for a serious felony.
- The person was not committed to prison for a sexually violent offense and does not have a prior conviction for a sexually violent offense.
- The person was not found guilty of a serious disciplinary offense during his or her current term of imprisonment.
- The person is not a validated prison gang member, which CDCR defines as a member of the Mexican Mafia.
- The person did not refuse to sign any written notification of parole requirements or conditions.

- The person was evaluated by the CDCR using a validated risk assessment tool and was not determined to pose a high risk to reoffend.

In preparation for CDCR's implementation of reclassification for parolees, the Sheriff has been working with CDCR and others to coordinate a response team and program for inmates who will be released periodically from State prison as NRP, as their cases are reviewed individually. Thus far, the Sheriff's Department and the other agencies have been collaborating and are hopeful these proactive efforts will prove effective in reducing the number of NRPs returning to the County jail system.

The Sheriff's Department and CDCR are currently collaborating to extend the notification requirements before a parolee is released from State prison. Currently, State law mandates that CDCR provide 45 days of notification to local jurisdictions prior to releasing a parolee. The Sheriff is seeking to extend the notification from 45 days to 60 days in order to prepare for the anticipated release of NRPs since they will not be supervised by a parole agent.

Potential Impact on County Health and Mental Health Services

The CEO, DMH, and the Department of Public Health are evaluating the potential impact of the NRP reclassification. While that evaluation is not expected to be complete until our next status report to your Board, the following are some preliminary thoughts on the impact. Since these parolees are already present in the communities of Los Angeles County, they may already be visiting County health facilities.

For mental health services, parolees generally visit State mental health clinics for outpatient services. Should they arrive at County mental health clinics and identify themselves as parolees, they are referred to the State mental health clinics for appropriate care. After a parolee's reclassification to NRP status, which we expect to result in a reduction in services at CDRC program sites, NRPs requiring mental health services may seek that care at the County's network of mental health providers. However, since the County mental health system already has sufficient demand for the available capacity, these parolees will have to be served within existing service capacity. Those needing urgent care would be served on an expedited basis consistent with existing DMH practice. The CEO and the departments will continue working with CDRC representatives to determine more fully the impact on County operations and to quantify the cost of providing mental health services for this additional population previously under the care of the State.

Federal Three Judge Panel

In August of 2009, a Federal Court panel ordered the State to produce a detailed plan to reduce the prison population by 46,000, or 137.5 percent design capacity, over two years. The Federal Court has taken the position that the State prisons are currently operating at 200 percent of design capacity which has resulted in an unconstitutional level of inmate medical and mental health care service. In response, in November 2009, the State submitted a revised plan for prison reduction which was received by the Federal Court.

The Federal Court has since stayed the population reduction order which places the order on hold until the Supreme Court (Court) provides a decision on the appeal filed by the State, which is expected to take more than a year.

The State's effort to reduce the prison population remains an unpredictable process. It has been difficult to determine the overall impact on the County due to the State's inability to address the issue and the uncertainty of the impending Court's decision. The CEO work group will continue to monitor the status of the State's prison reform efforts with the Departments of Mental Health, Health Services, and Sheriff providing weekly updates to your Board as a set item as directed on February 2, 2010. The CEO Intergovernmental Relations will also continue to provide legislative updates relating to this subject through their Sacramento Updates.

Should you have any questions, please contact me or your staff may contact Deputy Chief Executive Officer Brence Culp, Public Safety, at (213) 893-2374.

WTF:BC:SS
DC:llm

c: Executive Office, Board of Supervisors
County Counsel
District Attorney
Sheriff's Department
Alternate Public Defender
Department of Health Services
Department of Mental Health
Probation Department
Public Defender